

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:

PEDRO MARTINEZ  
BRENDA SUE MARTINEZ

CASE NO: 13-70325-HDH-13  
HEARING DATE: 1/16/2014  
HEARING TIME: 10:00am

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**TRUSTEE'S MOTION TO DISMISS**

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NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2010-01 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$920.00 per month beginning 10/6/2013. The total amount paid to the Trustee is \$920.00 and the total amount in arrears is \$1,840.00 through December 2013.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee**  
PO Box 94210  
Lubbock, TX 79493

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee

A HEARING WILL BE HELD 1/16/2014 AT 10:00am AT THE FOLLOWING ADDRESS:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 8:30am ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

PEDRO MARTINEZ & BRENDA SUE MARTINEZ 3805 PARKER BLVD WICHITA FALLS TX 76302

DAVISON RUGELEY, LLP 900 EIGHT ST STE 1102 PO DRAWER 99 WICHITA FALLS TX 76307

WELLS FARGO BANK NA PO BOX 829009 DALLAS TX 75382

Date: 12/9/2013

/s/ Walter O'Cheskey

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Walter O'Cheskey  
Chapter 13 Trustee